

ASSEMBLY BILL

No. 467

Introduced by Assembly Member Coto

February 24, 2009

An act to amend Sections 3005 and 12281 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 467, as introduced, Coto. Elections: voting.

Under existing law, if there are 250 or fewer persons registered to vote in a precinct on the 88th day before the election, an elections official may furnish to each voter in the precinct a vote by mail ballot, along with a statement that there will be no polling place for the election.

This bill would specify that an elections official sending a vote by mail ballot and a statement that there will be no polling place for the election to a voter must also include with those materials a statement explaining why there will be no polling place for the election and instructions on timely submitting a vote by mail ballot.

Under existing law, if for a valid reason, an elections official changes the location of a polling place, the elections official may mail a notice to each voter in the precinct if there is sufficient time to receive it before the election. If the need to change the polling place is not known in sufficient time to mail a notice, existing law requires that the new polling place be within one mile of the original polling place and that notice of the change be posted on or near the original polling place.

This bill would instead provide that an elections official changing the location of the polling place must mail notice of the change to each voter in the precinct not less than 7 days prior to the election. If a change in the polling place is not known in sufficient time to permit a mailing,

the bill would specify that the new polling place be within the boundaries of the precinct.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3005 of the Elections Code is amended
2 to read:

3 3005. Whenever, on the 88th day before the election, there are
4 250 or less persons registered to vote in ~~any~~ a precinct, the
5 elections official may furnish each voter with a vote by mail ballot
6 along with a statement that there will be no polling place for the
7 election, *a statement explaining why there will be no polling place*
8 *for the election, and instructions on timely submitting a vote by*
9 *mail ballot*. The elections official shall also notify each voter of
10 the location of the two nearest polling places in the event the voter
11 chooses to return the ballot on election day. The voter shall not be
12 required to file an application for the vote by mail ballot and the
13 ballot shall be sent as soon as the ballots are ~~available~~.

14 ~~No available~~. A precinct shall be *not* divided in order to conform
15 to this section.

16 SEC. 2. Section 12281 of the Elections Code is amended to
17 read:

18 12281. (a) If, for any valid reason, the polling place designated
19 for ~~any~~ a precinct cannot be used, and this fact is known in
20 sufficient time to allow ~~a mailed~~ notice to be ~~received before~~
21 *mailed by the elections official not less than seven calendar days*
22 *prior to the date of the election*, the elections official may designate
23 another polling place and shall mail, to each voter in the precinct,
24 *not less than seven calendar days prior to the date of the election*,
25 a notice showing this change.

26 (b) If the information is not known in sufficient time for a
27 mailing pursuant to subdivision (a), either the elections official or,
28 in the case of an emergency, the precinct board on the day of
29 election, shall designate another polling place ~~as near the place~~
30 ~~first designated as possible~~ *within the boundaries of the precinct*
31 *in which the original polling place was located*, post notice on or

- 1 near the *original polling* place ~~first designated~~, and conduct the
- 2 election at the new location.

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